

AF/2700

Attorney's Docket No.: 080398.P162

Patent

In Re the Application of: David E. Desch
(inventor(s))

Application No.: 09/183,717

Filed: October 30, 1998

For: A System And Method For Providing Digital Video and Audio Broadcast

RECEIVED

JAN 18 2002

Group Art Unit: 2611 Examiner: Grant, C. Technology Center 2600

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated August 27, 2001 of the Examiner rejecting claims 1-52.

The item(s) checked below are appropriate:

XXX The following is the Notice of Appeal fee under 37 C.F.R. § 1.17(b):

X a. other than small entity: fee \$ 320.00

_____ b. small entity: fee \$ 160.00

_____ verified statement attached

_____ verified statement was filed _____

_____ A petition under 37 C.F.R. § 1.136(a) for an extension of time for reply to the rejection is enclosed along with a check for the fee for the extension of time.

X Enclosed is a check in the amount of \$ 320.00 for the Notice of Appeal fee.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on November 27, 2001
Date of Deposit

Krista Mathieson
Name of Person Mailing Correspondence
Krista Mathieson November 27, 2001
Signature Date

01/18/2002 VTRUONG1 00000127 09183717

01 FC:119 320.00 DP

Attorney Docket No. 080398.P162
Application No. 09/183,717

- 1 -

(TNF/pab 10/01/01))

20

____ Please charge the Notice of Appeal fee to Deposit Account Number 02-2666. A duplicate of this sheet is enclosed for Deposit Account charging purposes.

XXX If any additional fee is required, please charge Deposit Account No. 02-2666.
A duplicate of this sheet is enclosed for Deposit Account charging purposes.

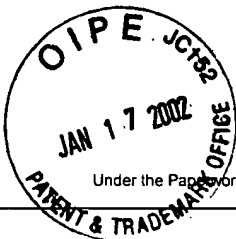
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 11-27-01

Brent E Vecchia

Brent E. Vecchia
Reg. No 48,011

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(303) 740-1980



FEE TRANSMITTAL FOR FY 2002

TOTAL AMOUNT OF PAYMENT (\$) \$320.00

Complete if Known:

Application No. 09/183,717
Filing Date October 30, 1998
First Named Inventor David E. Desch
Group Art Unit 2611
Examiner Name Grant, C.
Attorney Docket No. 080398.P162

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Technology Center 2600

METHOD OF PAYMENT (check one)

1. ☒ [X] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
Deposit Account Name _____

- ☒ [X] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

FIRST CLASS CERTIFICATE OF MAILING
(37 C.F.R. § 1.8 (a))

- ☐ [] Applicant claims small entity status. See 37 CFR 1.27

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

2. ☒ X Payment Enclosed: ☒ X Check
☐ Money Order
☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | |
|--------------|----------|--------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 101 | 740 | 201 | 370 |
| 106 | 330 | 206 | 165 |
| 107 | 510 | 207 | 255 |
| 108 | 740 | 208 | 370 |
| 114 | 160 | 214 | 80 |

Fee Description
Utility application filing fee
Design application filing fee
Plant filing fee
Reissue filing fee
Provisional application filing fee

Fee Paid

SUBTOTAL (1) \$ 0.00

2. EXTRA CLAIM FEES

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | - 20** = | X | = |
| Independent Claims | - 3** = | X | = |
| Multiple Dependent | | | = |

**Or number previously paid, if greater; For Reissues, see below.

| Large Entity | | Small Entity | |
|--------------|----------|--------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 103 | 18 | 203 | 9 |
| 102 | 84 | 202 | 42 |
| 104 | 280 | 204 | 140 |
| 109 | 84 | 209 | 42 |
| 110 | 18 | 210 | 9 |

Fee Description
Claims in excess of 20
Independent claims in excess of 3
Multiple dependent claim, if not paid
**Reissue independent claims over original patent
**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| <u>Large Entity</u> | | <u>Small Entity</u> | | <u>Fee Description</u> | <u>Fee Paid</u> |
|---------------------|-----------------|---------------------|-----------------|--|-----------------|
| <u>Code</u> | <u>Fee (\$)</u> | <u>Code</u> | <u>Fee (\$)</u> | | |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 099 | 8,800 | 099 | 8,800 | Request for inter parties reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | \$320.00 |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 | 370 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | |
| 148 | 110 | 248 | 55 | Statutory Disclaimer | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (see 37 CFR 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |
| 195 | 300 | 195 | 300 | Publication fee for early, voluntary, or normal pub. | |
| 196 | 300 | 196 | 300 | Publication fee for republication | |
| 194 | 130 | 194 | 130 | Request for voluntary publication or republication | |
| 098 | 130 | 098 | 130 | Processing fee under 37 CFR 1.17(i) (except provisionals) | |
| 091 | 1,280 | 091 | 1,280 | Acceptance of unintentionally delayed claim for priority | |

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 320.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Brent E. VecchiaSignature: *Brent E. Vecchia* Date: November 27, 2001Reg. Number: 48,011 Telephone Number: (303) 740-1980